

1 **3. ISSUE: THREAT BY LARRY BLACK AGAINST FRANK MUNNELL -**
2 **SUBJECT: BLACK**

3
4 **Director Larry Black**

5
6 B2B. Allegedly, in 2009 Director Larry Black threatened Deputy Chief Frank
7 Munnell with bodily harm after Munnell expressed concern about Black's
8 handling of the SCA scandal and Munnell's name appearing in media accounts
9 about SCA.

10
11 **MUNNELL'S WRITTEN ACCOUNT**

12 **Black defends his decisions regarding the SCA and physically threatens Munnell**

13
14 On July 23, 2009 at about 0950 hours, I was in your office with Lisa Allen and Larry Black,
15 talking about the Phoenix New Times article which featured Joel Fox as a puppet on the cover of
16 the paper. During the conversation, I informed Black that I was not very happy about the manner
17 in which he and Fox handled the SCA matter. I told him that he should have released the names
18 long ago, and now this had turned into a sleazy scandal. Black tried to tell me that they were only
19 following the law.

20
21 I countered that every court, lawyer, and judge disagreed with them. He told me I should read the
22 statute and then I could come back and apologize to him. When I said I would not apologize and
23 said to him "Nice fuckin job" Black threatened me by stating that he "wouldn't put me through the
24 fucking wall right now only because we were up in this office." Black then challenged me to go
25 downstairs to fight him, adding, "that I was a piece of shit." I replied that he could threaten me,
26 but that I had every reason to be upset that my name was being smeared by this sleazy scandal,
27 that is when you came into your office.

28
29 When you asked what was going on, I tried to discuss my donations to the SCA Fund with you.
30 You denied that the donations were made to benefit you, made a statement that you had never had
31 a conversation about SCA with me, and promptly left your office.

32
33 Although I chose not to make a formal complaint against Black for the threat, this incident was
34 brought to the attention of Hendershott (likely by Black). Even though Hendershott was made
35 aware of the confrontation, he never approached me to get my statement regarding the matter, or
36 took any action to investigate the circumstances surrounding the incident. I had heard numerous
37 examples of Larry Black's propensity to lose his composure and behave unprofessionally, but this
38 was the first time Black and I had ever had any type of disagreement or anything that would be
39 considered an argument. That same morning after the threat was made, at the conclusion of your
40 command staff meeting, Black approached me in my office while I was talking to Brian Sands.

41
42 In the presence of Sands, Black made a comment to me that he thought I wanted to fight. I replied
43 that the notion was ridiculous. Black then stated that he knew I was upset about the SCA, because
44 I didn't know anything about it. Black added that I wasn't supposed to know anything, because it
45 wasn't supposed to be talked about up there (meaning the 19th floor). He added that he had a twenty-
46 seven-page document that explained the SCA matter and the Goddard connection, which I could
47 review away from the office. Black then left my office without incident. I never asked to review
48 the document Black referred to, because I believe both Black and Fox to be dishonest and lack
49 any type of credibility regarding any matter.
50
51

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

Not long after the confrontation with Black, I received a letter from Joel Fox containing a check dated July 27, 2009 for \$2,400.00. Handwritten on the check was a notation, "full refund of donations" and it was for the entire amount of money I donated to the SCA Fund. It is obvious to me that the refund check was sent to me as a result of my confrontation with Black and was intended to make me happy, and is very likely intended to be "hush money." I make this assertion because as of this date, I am still the only office employee to receive a refund of monies donated to the SCA Fund from Fox. After receiving the check, I waited several weeks to cash it waiting to see if any other employee would receive one as well. When it became apparent that I was the only one to receive a check, I consulted with the Arizona State Attorney General's Office Investigators for an opinion as to whether this check was evidence, or if it was appropriate for me to cash it. I was eventually given permission to cash the check, and at their request, I provided the AG Investigator with a copy of the check.

Since the inception of this politically motivated political action fund, David Hendershott, Larry Black, and Joel Fox, have not only propagated misleading statements related to the purpose of the SCA, but have also willfully and intentionally committed criminal acts by attempting to obstruct justice, tamper with witnesses, and destroy evidence. As a result of the Attorney General's investigation, I have redacted specific information related to the criminal case from this memorandum. I can only reveal at this time that I have willingly and fully cooperated with the investigation and have provided information and statements that would not be considered favorable to any of the three defendants.

Beyond their obvious incompetence, their deliberate and dishonorable actions are clearly not those of law enforcement professionals. In reality, their reckless, dishonest, and willful actions are lacking in ethics, violate Office Policy, and the laws of the State of Arizona. Unfortunately, as you will read, their misdeeds and corruption are not confined to only the SCA scandal.

WITNESSES LISTED BY MUNNELL

Deputy Chief Frank Munnell	Victim
Communications Dir. Lisa Allen	Witness to event
Director Larry Black	Threatened Munnell

NARRATIVE SUMMARY

On 7/23/09, Larry Black threatened Munnell with bodily harm after Munnell vocalized that he was upset that his name was being smeared as a result of the SCA scandal. Munnell attempted to discuss the matter with Arpaio, but Arpaio denied the donations were made for his benefit and Arpaio said he never had any conversations about SCA with Munnell. On 7/27/09, Munnell received a letter from Fox with a check for \$2400, with a notation of "full refund of donations." Munnell was the only person to receive such a check and conferred with the AG's office before cashing it. He made the deposit several weeks later and provided a copy of the check to the AG's office.

RELEVANT DOCUMENTATION

Frank Munnell surreptitiously recorded his conversation with Larry Black, which reportedly occurred on July 23, 2009. A transcript of that recording follows.

**RECORDED CONVERSATION BETWEEN
FRANK MUNNELL AND LARRY BLACK
JULY 23, 2009**

LARRY BLACK (LB): So does it say, that me and Dave are the ringleader like the editorial last week, did you read that? The editorial board mentioned that it had to be someone other than the hapless Joel Fox, and it had to be me or David because of, you didn't read that?

FRANK MUNNELL (FM): I don't, I got tired of reading shit.

LB: Yeah?

LISA ALLEN (LA): Is it bad? What's everybody whispering about that in the *New Times* for?

LB: They're coming after you next.

LA: Why?

LB: Cause you said something in December. Let me see the cover first, that looks very interesting. Ventriloquist...

LA: Oh, I was looking at this going oh...

FM: You guys should have released those names, I got to tell you, Larry, when this thing first broke. You know, I'm serious.

LB: There was a reason why we couldn't.

FM: Clearly it wasn't a good one.

LB: It would have been against the law to release the names.

FM: Well, that's the opinion of only you and Joel.

LB: Read the statute.

FM: Well, I talked to David about it and he said that you and Joel were the ones who decided not to release the names. And now my fucking name's in the paper all the time. True?

LB: What?

FM: I'm not happy about it, I'll tell you right fucking now.

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1
2 LB: Okay. You got to know the statute before you shoot off at the mouth.
3
4 FM: I'm not shootin' my mouth off for anything other than I have a right to be
5 upset about.
6
7 LB: True. Your name was not part of the names to be released, number one.
8 Number two is, if you read the statute then come back and apologize, okay?
9
10 FM: I'm not going to apologize for you ever.
11
12 LB: Oh, okay.
13
14 FM: Ever. It's ridiculous, this whole thing it's in the press all the time, my
15 name was in the editorial last week, editorial board, saying that you know,
16 obviously it's above, meaning, and it mentions Hendershott and Munnell.
17 Nice fucking job, really.
18
19 LB: Okay, Frank, I won't put you through that fucking wall right now
20 just because we're up here. Do you want to take care of it downstairs? I got
21 no problem with it.
22
23 FM: Go ahead, threaten, go ahead and threaten me.
24
25 LB: You piece of shit.
26
27 FM: Don't call me a piece of shit, I'm just telling you, I just said I have a right
28 to be upset and you should be understanding of that, I didn't say you did anything
29 wrong, I just said you guys should have released these names and I don't like the
30 fact that I keep being put in the paper.
31
32 LB: The reason why the names weren't released, Frank, is it would have been
33 a felony to release the names.
34
35 FM: But why does everybody disagree with that but you?
36
37 LB: Why don't you read the statute and tell me what you think, that's all I'm
38 asking alright? Can I ask, can you do that and then come back and then later tell
39 me okay something? Can you read the statute?
40
41 FM: I just don't understand why everybody including the County Attorney,
42 who's on our side, his own investigator, everybody doesn't agree with you guys,
43 it doesn't make any sense. And now the AG's investigating it, what the hell
44 makes it criminal? I'm floored because of this bull shit, and you're mad at me,

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1 you're upset, I have investigators, I have my kids calling me on my birthday and
2 ask me why did two criminal investigators come knocking on my door?

3
4 LB: Why do you think that happened?

5
6 FM: Yeah, well because obviously they have something to look into.

7
8 LB: Do you think maybe it was because we were investigating them, would
9 you like to know the rest of the story? Would you like to know that the
10 investigators, the guy who is being investigated by us? Would you like to know
11 the rest of what's going on?

12
13 FM: I know pretty much some of the story, but you know the fact is you and
14 Joel and Larry, or you and Joel, have never come in and sat down and said hey,
15 Frank here's what's going on.

16
17 LB: The reason why Frank is it was better for you not to get involved, that's
18 why.

19
20 FM: All I can say is just, is just, I'm just beside myself that my name keeps in
21 the paper every two weeks, my name ends up in it and it's really embarrassing. If
22 I ever decide to leave here and retire and get a job somewhere else when they
23 Google my name it's going to be tied to this crap, I mean that's ridiculous Larry, I
24 mean you can understand my point?

25
26 LB: I understand your point, but I think that you're venting on me that it's not
27 true, okay first of all. Taking what the *New Times* wrote, would you like me to
28 give you the legal thing, do you want to read the legal part?

29
30 FM: Yeah, I would be happy to read the legal part, I just don't understand the
31 secrecy of all of it, I really don't.

32
33 LB: The secrecy was that if you give the names, if we were to give your name,
34 or just giving the name of another, which is a class 6 felony, so we couldn't do
35 that, and so we said okay give us the money back and we'll have the people give
36 it back in their own names. That's what they do every other time. When
37 somebody says that the contributions not correct, but the problem is that the AG
38 gets involved because of politics between Arpaio and the AG investigation
39 because of the Dave Peterson case and all the rest of that. And so I know you
40 want to get really pissed off at me, fine, but all I'm trying to say is...

41
42 FM: I didn't say pissed off at you, I just said I'm not happy with how it was
43 handled.
44

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1 LB: Well what do you think we, do you think we had a choice? Do you think,
2 do you know that the guy, when the investigation thing started, instead of saying
3 why don't you sit down and tell us what the names is, he sends Joel an email that
4 says you owe \$315,000, now what do you do? Do you appeal it, or do you pay
5 the 315?
6

7 FM: No, you appeal it. You get an attorney and you appeal it.
8

9 LB: That's what happened, that's what started it all. And that's what I mean is
10 if you knew the whole story you'd say what a bunch of bull shit.
11

12 FM: Well it just seems to me if we just, I know that there is issues with names.
13 But if it's not a political action committee, I you know, I don't even know what it
14 really is. It's not a political action committee, it's supposed to be something to
15 support the Deputies, yet it was any a dime ever spent to do some kind of PSA to
16 support the Deputies, I mean really? Really? What did we do with the money
17 that was to support the Deputies. Was one dime spent to support Deputies? Do
18 you see where I'm coming from?
19

20 LB: I don't.
21

22 FM: True?
23

24 LB: What?
25

26 FM: There wasn't a dime spent to support the Deputies.
27

28 LB: The reason why we couldn't is because 90 days before an election
29 everything would be called an in kind contribution to the Sheriff and so we
30 couldn't do that and we could give it to the Republican Party or the Democrat
31 party.
32

33 FM: I'm just saying, the money was collected years before the 90 day deadline.
34

35 LB: I know, and so what was supposed to be done?
36

37 FM: I really don't know because I go in there and am asked to donate to this
38 stupid fund to support my Sheriff.
39

40 SHERIFF JOE ARPAIO (JA), (apparently having walked in): What'd you
41 say?
42

43 FM: We're having an issue boss, that's all I can say. I just said I donated
44 money toward you on this stupid fund thing that ends up in the *New Times* and
45 everything else. I'm talking about the...

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1
2 JA: You donated to me?
3
4 FM: No, I'm just saying I gave money to the...
5
6 JA: You didn't donate to me.
7
8 FM: Well, not to you boss, just to support you, just to support you that's what I
9 thought it was for so.
10
11 LB: Support him?
12
13 JA: What? That's bullshit.
14
15 FM: Well, that's not what I mean to say, Sheriff, it's just, I thought it was for
16 the Sheriff and you, it was a good cause, that's all.
17
18 JA: I know nothing about this shit. You having a staff meeting?
19
20 Unknown: You're the boss.
21
22 JA: You didn't do anything illegal, I'll tell you right now, you know that?
23
24 FM: Oh, I know that, Sheriff.
25
26 JA: I never even had a conversation with you.
27
28 FM: Right.
29
30 LB: You're way out there. Basically mad that they're not telling the truth
31 about the rest of that, the rest of it, you don't know the story behind it, you really
32 don't, and it's better you don't. I mean really when it comes down to it, you're
33 gonna go, what you're gonna do is you're gonna hate law enforcement when it's
34 all fucking done.
35
36 FM: Yeah.
37
38 LB: Because everything was intended to be legal all over the place, okay, and
39 the way the laws are written, why do you think, here's give you an example. The
40 exact same thing happened in Scottsdale, they gave it to Scottsdale, dick head
41 over here, the Attorney General gives it to Pima County because conflict it up.
42 Pima County says the statutes too convoluted you can't do anything with it. So
43 they throw it out completely? Do they do that with us? Uh huh.
44
45 FM: Apparently not.

1
2 LB: That's what I'm trying to tell you is that you don't, the rest of this story
3 that you want to, yeah can you just...

4
5 FM: Well, I'm just saying it would have in the last, since this whole thing
6 started that anybody would have come to me and talked to me and go here's
7 what's going on with it, hey, here's the status of it. You know, everybody runs
8 around seeing attorneys, and here I'm, you can understand my point. I mean...

9
10 LB: ...I can't understand why you, you like you want to punch me over here.

11
12 FM: I just standing there, I'm ten feet away from you. I didn't want to punch
13 you but the point is I'm just not happy how it was handled. Like I said I guess I
14 just don't know the whole story because it was never brought to me, but I don't
15 like the fact when a major paper has my name and they tie me to this, and it seems
16 like it's the opinion of everybody outside this building that that's a sleazy thing
17 and its terrible and all this press.

18
19 LB: Do you think we had anything to do with that?

20
21 FM: I don't know. I don't know. I mean really, who did it?

22
23 LB: The Republican Party hired somebody to do it. They can't take money if it
24 was tied to it. They've already testified, we would have done this ad, whether we
25 would have got the money or not.

26
27 FM: So our office had nothing to do with it then?

28
29 LB: Other than we gave them the stuff by public records request.

30
31 FM: Alright.

32
33 LB: I mean did we say this is how we want the ad to be or any of that bull shit?
34 Give me a break, no.

35
36 FM: Well, that's good.

37
38 LB: You seem to forget, you know whether they want to go with it or not, I am
39 the godfather to his fucking kid, I am, he was in my wedding and I was in his.

40
41 FM: Well, that's what I was going to ask you like how, why would you really
42 want to do that to him?

43
44 LB: I wouldn't do that.
45

1 FM: Well, that's good.

2
3 LB: And that's what I'm trying to say is and this whole fucking thing, this
4 Attorney General thing, I'm beside myself, I really am.

5 FM: That's what I meant and you can see where I'm clueless about the whole
6 thing. I mean really, I meant that's my point, you can see where my frustration
7 was, is that you know, they came to my house, and it's like what's going to
8 happen with this. I don't want to get sideways with the Sheriff. Now he heard
9 me talking and now he's, I'll probably have him upset and now Dave will be
10 upset. It's like I don't want to cause any grief. That's all I was just looking at the
11 end and you know what can I say. Okay?
12

13
14 (End of tape.)
15

16
17 **WITNESS ACCOUNTS**

18
19 **Frank Munnell**

20 Munnell's account as to what transpired on July 23, 2009, when he was allegedly
21 threatened by Larry Black, was as follows.
22

23 A: Um, I was, uh, on the 19th floor at Wells Fargo and we were just standing
24 right outside the door of Lisa Allen, one of the Public Information Officers. And,
25 Larry Black was standing outside the door. And, I think Lisa Allen and I were
26 kind of laughing, or just kind of lookin' at the *New Times*. The edition of the *New*
27 *Times* had a picture of Joel Fox wearing a Deputy uniform as a puppet. So, just
28 kind of like a comical thing. So, we were kind of laughing about that and talking
29 and, and um, uh. When I went into Larry and Lisa went into Arpaio's office,
30 because we had staff which would start down the hallway shortly after a few
31 minutes later. And, so, when they went in there Lisa Allen sat down between the
32 Sheriff's chair behind his desk, the Sheriff was not present. Just Lisa, Larry
33 Black and I were in the office. And, I was probably the distance you and I are
34 apart, probably, you know, three, four feet apart and I, I just said, you know I'm
35 going to say something. I hadn't said anything all this time about the SCA or
36 anything and talk to him, and I just said, you know, I'm not real happy with how
37 you guys handled this, you know. I said it's kind of a scandal and my name's been
38 kind of drug through the mud and I don't know why you guys just don't release
39 the names and he basically said something in defense of it that, well, if you read
40 the statute, you know, we're doing what we're supposed to and then you can
41 come back and apologize to me and I....
42

43 Q: In other words, apologize to you for ...
44
45

1 A: Being wrong.

2
3 Q: Your, your error for not having read the statute?

4
5 A: Yeah. Right. I should apologize to him because they were doing the
6 appropriate thing and I shouldn't be critical. So, okay. Um, and I said, well, I
7 said, why does every judge, attorney, everyone disagree? I said that's my
8 opinion. Everyone's disagreed except, you and Joel have this opinion, but
9 everyone else seems to have the opinion that the names should be released. And,
10 um, and he's like well, when you read the statute, whatever. And I said, well, you
11 know, and like I said something like I wasn't going to apologize to that effect and
12 I just said, you know, nice fucking job. And that's when he said, you know,
13 Frank, I'd put you through that wall right now, or fuckin' wall right now, if we
14 weren't up here. And, uh, if you want to take it downstairs, we'll take it
15 downstairs and stuff, and I'm like, Lisa Allen's witnessing this. And, uh, I just
16 said, you know, I've every right to be upset about this. I said, my name's been
17 drug through the mud. This has turned into a scandal, and, you know. Uh, while
18 we're talking, um, Sheriff Arpaio walked in and he's like, hey, what are you guys
19 talkin' about, or what's going here, and I said, uh, you know, I'm just having an
20 issue with Larry. And, um, uh, well what, what's it about? And I said, well, you
21 know I donated that money, and he's like, well, you didn't donate any money to
22 me. And, I said, well, I thought it was going, no we never used, it wasn't for me
23 and we never had this conver, not that we didn't have this conversation, but you
24 never discussed the SCA with me. He didn't say SCA, but you just didn't discuss
25 this with me or I didn't discuss this issue with you.

26
27 Q: And, is that true?

28
29 A: Yeah. No, we never . . .

30
31 Q: Had you discussed it with the Sheriff?

32
33 A: No, I never had the conversation, it's true.

34
35 Q: Right.

36
37 A: And, so, and then he, you know, staff was about to start so he just kind of
38 went right out the door. And, so I'm still in there with Larry and Larry and I
39 talked for probably, now it was just the two of us, and everything was calmed
40 down. We just talked and he was sittin' on the couch when the Sheriff left and
41 then he came and talked to me. And, he was like really passionate, like, you
42 know, uh, you know I didn't do anything, we didn't do anything wrong, basically.
43 He kind of, and it's recorded, I did have it on tape, so, but, in, in lookin' at that
44 back he was just really, uh, almost delusional about that because he was saying,
45 you know, I would never do that, you know, Dan Saban. Dan Saban used to be

1 best friends with Larry Black, for like 20 years. They were best men at each
2 other's weddings. (pp. 1-2, Exhibit II 28b)

3
4 There was a subsequent conversation between Black and Munnell, about an hour after
5 the staff meeting, which took place after the alleged threatening comments by Black.
6 Munnell's account as to what transpired, which was not audio recorded, was as follows.

7
8 ... Now, an hour or so later, staff was over. And, I'm in my office talkin' to Brian
9 Sands, my supervisor. And I just was in there talkin' to him and all of a sudden,
10 and I don't even mentioned if I'd said it yet, I'm not sure if I'd said it to me
11 because I didn't have a recorder going at that time and I just said, you know,
12 Larry walked in and I'm like uh, Larry says right off the bat, oh, I thought you
13 wanted fight me. And, I just, like, what are you kidding me? Well, he's just
14 standing there and he goes, oh, well, you know, I'm not going to say anything
15 about this to Dave. And, he goes I know you're upset. And it really ties into the
16 SCA again, he goes, I know you're upset because you didn't know anything, but
17 you weren't supposed to know anything. We're not supposed to talk about it up
18 here. But, he goes, I'll tell you what, I got this 27 page document about the
19 Goddard connection, and all this, and you can come and read it, not here, but you
20 can come read it. And, I'm like, okay, whatever Larry. And that was the end of
21 it. Larry left the room and that was it. And, Sands said, man, that guy looked
22 really, like, fired up, you know. I said, then I said well here's kind of what
23 happened. I think that's how it turned or transpired. (p. 3, Exhibit II 28b)

24
25 A:Just Lisa, Larry Black and I were in the office. And, I was probably
26 the distance you and I are apart, probably, you know, three, four feet apart and I, I
27 just said, you know I'm going to say something. I hadn't said anything all this
28 time about the SCA or anything and talk to him, and I just said, you know, I'm
29 not real happy with how you guys handled this, you know. I said it's kind of a
30 scandal and my name's been kind of drug through the mud and I don't know why
31 you guys just don't release the names and he basically said something in defense
32 of it that, well, if you read the statute, you know, we're doing what we're
33 supposed to and then you can come back and apologize to me and I.

34
35 Q: In other words, apologize to you for . . .

36
37 A: Being wrong.

38
39 Q: Your, your error for not having read the statute?

40
41 A: Yeah. Right. I should apologize to him because they were doing the
42 appropriate thing and I shouldn't be critical. So, okay. Um, and I said, well, I
43 said, why does every judge, attorney, everyone disagree? I said that's my
44 opinion. Everyone's disagreed except, you and Joel have this opinion, but
45 everyone else seems to have the opinion that the names should be released. And,

1 um, and he's like well, when you read the statute, whatever. And I said, well, you
2 know, and like I said something like I wasn't going to apologize to that effect and
3 I just said, you know, nice fucking job. And that's when he said, you know,
4 Frank, I'd put you through that wall right now, or fuckin' wall right now, if we
5 weren't up here. And, uh, if you want to take it downstairs, we'll take it
6 downstairs and stuff, and I'm like, Lisa Allen's witnessing this. And, uh, I just
7 said, you know, I've every right to be upset about this. I said, my name's been
8 drug through the mud. This has turned into a scandal, and, you know. Uh, while
9 we're talking, um, Sheriff Arpaio walked in and he's like, hey, what are you guys
10 talkin' about, or what's going here, and I said, uh, you know, I'm just having an
11 issue with Larry....

12
13 I should apologize to him because they were doing the appropriate thing and I
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21 that wall right now, or fuckin' wall right now, if we weren't up here. And, uh, if
22 you want to take it downstairs, we'll take it downstairs and stuff, and I'm like,
23 Lisa Allen's witnessing this. And, uh, I just said, you know, I've every right to be
24 upset about this. I said, my name's been drug through the mud. This has turned
25 into a scandal, and, you know.
26
27

28 **Lisa Allen**

29
30 Lisa Allen claims that she was present when Black made the comments attributed to
31 him by Munnell. Her account of this event is as follows.

32
33 A:It occurred in the Sheriff's office before a staff meeting. I don't know
34 when, I guess sometime within the last year. And ah, Frank and I were in the
35 Sheriff's office, the Sheriff was not in there at the time. And I think Frank and I
36 were probably talking in my office. I had to put something in the Sheriff's office
37 and so he walked with me to the Sheriff's office, at which time then Larry came
38 into the Sheriff's office. And Frank said to Larry, and this was after, you know,
39 the whole *Arizona Republic*, where Frank's name was in the paper as being the
40 major contributor and so forth and questioning whether or not this FCA thing was
41 done properly. Frank was upset. He didn't yell. He just said to Larry, you know,
42 something to the effect of why were you, why didn't you tell me really what this
43 was all about, or something like that. They were talking about the SCA and its
44 formation. And immediately, it just, it just went from luke warm to real hot. And
45 that was Larry, where Larry took Frank's criticism and his displeasure at being

1 mentioned in the newspaper in such a defamatory way, according to Frank, he
2 took it as very offensive and well, then there are fighting words and said
3 something like, you want to take this outside? You know, I'm sorry, it was
4 laughingly ridiculous that it got to that point. It was like a school yard brawl or
5 something. But Larry was pissed, and Frank didn't like being threatened that way,
6 and obviously they didn't take it outside, they left and we immediately went into
7 staff and it was very tense between the two of them.... (p. 19, Exhibit II2a)

8
9 She recalls the Sheriff walking in, toward the end of the conversation, and saying, "I
10 don't want to know anything about this" or words to that effect. Lisa indicated that
11 Sheriff Arpaio did not like talking about those issues on Sheriff's time and in the office.
12 (p. 20, Exhibit II2a)

13
14 **Loretta Barkell**

15
16 Ms. Barkell has no firsthand information about this, but has received second hand
17 reports from Frank Munnell and Lisa Allen. Ms. Barkell has never spoken with Larry
18 Black about what had transpired.

19
20 **Brian Sands**

21
22 Sands recalled that he and Sheriff Arpaio walked into the room, at which Munnell and
23 Black were standing in the office, having some type of exchange. Munnell made some
24 comment about giving money to help the Sheriff and as Sands interpreted Munnell's
25 comments, that the money had not been used the way that Munnell had wanted it to be
26 used. Sands then walked out of the room, but it did appear to him that there was a
27 tenseness in the discussion between Munnell and Black. Sands is not sure why he
28 walked out, but he did and then a few minutes later, Sands and Munnell spoke in
29 Frank's office. Munnell expressed that he felt that Larry Black had threatened him or
30 challenged him to a fight, and that their conversation had been over the SCA money. A
31 few minutes later, someone knocked on the door and it was Larry Black, who made a
32 comment like, "Well, is this over with now?" Frank then made a comment he did not
33 know what Black had been doing with the money, and then Black said, "Don't you
34 understand, you couldn't know what was being used with the money." Frank then
35 acquiesced and said that "everything was okay," and Sands understood that this was a
36 reference to the hostility between the two of them. (p. 33, Exhibit II33) When asked if
37 his curiosity was piqued by Larry Black's response, "You couldn't know what we were
38 doing with the money," he acknowledged that it was, but he felt that Black was trying "to
39 get the money issue off the table." (p. 33, Exhibit II33) Sands indicated that he was
40 more worried about the hostility issue than how the money was spent. Sands indicated
41 that he was not concerned about what their argument related to, rather about making
42 sure that the hostility had been resolved.

43
44 **Larry Black**
45

1 Black indicated that in approximately July, when the *New Times* article came out about
2 SCA, he, Frank Munnell and Lisa Allen were in Sheriff Arpaio's office, after the Sheriff
3 had walked out. Frank had not, on any prior occasion, brought up SCA to Black, but on
4 this occasion, Munnell expressed his frustration that his name had been released.
5 Black says that he tried to explain why Joel Fox had not released the names, because
6 he felt that it was a matter of principle. Black tried to explain to Munnell that it was the
7 law. Munnell, according to Black, then said that he thought that he had contributed the
8 money to Arpaio, but then Black pointed out that they could not give it to Arpaio, which
9 would be illegal. Black says that he suggested to Munnell that he read the law, and that
10 Munnell would thank him. Munnell then said something like, "nice fucking job," and then
11 got "really pissed," and got in Black's face. Black acknowledged, being a long-time law
12 enforcement officer, that he's not willing to back down much, and did not deny making a
13 statement like, "Hey, you want to go downstairs and handle this, absolutely."

14
15 Black says that this is in the same timeframe when Frank Munnell was in the process of
16 a divorce, which Lisa Allen mentioned to Black after Munnell had walked out of the
17 room. Black took what Munnell was saying as a challenge, and Black said, "The only
18 reason why I'm not punching you right here is we're up here," or words to that effect.
19 Black does not deny saying, "if you want to go downstairs and handle it, we can," or
20 words to that effect. (p. 63, Exhibit II7a) Black acknowledged that the statements
21 attributed to him by Munnell in the Munnell Memo were "pretty accurate." He does not
22 have a problem in calling Munnell a "piece of shit" because Munnell did not express any
23 support for Joel Fox, who was facing a \$315,000 fine, and whose home had been
24 subject of a search warrant.
25